

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

<p>Carlos Sergio Pacheco,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">-v-</p> <p>93 Old Montauk Owners, Inc., Gurney's Inn Resort & Spa LLC, Sean Tyrell, Inc.,</p> <p style="text-align: right;">Defendants.</p>	<p style="text-align: center;">2:21-cv-2397 (NJC) (LGD)</p>
<p>93 Old Montauk Owners, Inc. and Gurney's Inn Resort & Spa LLC,</p> <p style="text-align: right;">Third-party Plaintiffs,</p> <p style="text-align: center;">-v-</p> <p>Sean Tyrell, Inc. and Realistic Home Repairs,</p> <p style="text-align: right;">Third-party Defendants.</p>	
<p>Realistic Home Repairs,</p> <p style="text-align: right;">Counter Claimant,</p> <p style="text-align: center;">-v-</p> <p>93 Old Montauk Owners, Inc. and Gurney's Inn Resort & Spa LLC,</p> <p style="text-align: right;">Counter Defendant.</p>	
<p>93 Old Montauk Owners, Inc. and Gurney's Inn Resort & Spa LLC,</p> <p style="text-align: right;">Cross Claimants,</p> <p style="text-align: center;">-v-</p> <p>Sean Tyrell, Inc. and Realistic Home Repairs,</p> <p style="text-align: right;">Cross Defendants.</p>	

Realistic Home Repairs, -v- Sean Tyrell, Inc., Cross Claimant, Cross Defendant.	
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ORDER

NUSRAT J. CHOUDHURY, United States District Judge:

The Court having been advised on July 9, 2024 (ECF No. 178) that all claims asserted herein have been settled in principle, it is ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued without costs, and without prejudice to the right to reopen the action **within seven days** of the date of this Order if the settlement is not consummated.

To be clear, any application to reopen must be filed by the aforementioned deadline; any application to reopen filed thereafter may be denied solely on that basis. **Further, requests to extend the deadline to reopen are unlikely to be granted. Additionally, any motion to reopen must be filed as a motion that complies with this Court’s Individual Rules and the Local Rules, and must be accompanied by a sworn attorney affidavit setting forth the basis for the motion to reopen.**

If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court by the deadline to reopen to be “so ordered” by the Court. Per the Court’s Individual Rule 10, unless the Court

orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

Any pending motions are dismissed as moot. All conferences are cancelled. The Clerk of Court is directed to close the case.

SO ORDERED.

/s/ Nusrat J. Choudhury
NUSRAT J. CHOUDHURY
United States District Judge

Dated: Central Islip, New York
September 6, 2024